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Proposed programme budget for the biennium 2008-2009

Report of the Fifth Committee

Rapporteur: Mr. Steven Ssenabulya **Nkayivu** (Uganda)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Proposed programme budget for the biennium 2008-2009" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the question of the capital master plan under agenda item 128 at its 8th, 9th and 21st meetings, on 23 and 24 October and 6 December 2007. Statements and observations made in the course of the Committee's consideration of the question are reflected in the relevant summary records (A/C.5/62/SR.8, 9 and 21).

3. For its consideration of the question, the Committee had before it the following documents:

(a) Report of the Board of Auditors on the capital master plan for the year ended 31 December 2006;[1]

(b) Fifth annual progress report of the Secretary-General on the implementation of the capital master plan (A/62/364 and Corr.1);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.4 and Corr.1);

(d) Report of the Office of Internal Oversight Services on its activities for the period from 1 July 2006 to 30 June 2007 (A/62/281 (Part I), paras. 72-75).

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 5, vol. V* (A/62/5, Vol. V)).

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II. Consideration of draft resolution A/C.5/62/L.8

4. At its 21st meeting, on 6 December, the Committee had before it a draft resolution entitled "Capital master plan" (A/C.5/62/L.8), which was submitted by the Chairman on the basis of informal consultations coordinated by the representative of Bangladesh.

5. At the same meeting, the Committee adopted draft resolution A/C.5/62/L.8 without a vote (see para. 7).

6. After the adoption of the draft resolution, the representative of Kuwait made a statement in explanation of position (see A/C.5/62/SR.21).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Capital master plan

The General Assembly,

Recalling its resolutions 54/249 of 23 December 1999, 55/238 of 23 December 2000, 56/234 and 56/236 of 24 December 2001 and 56/286 of 27 June 2002, section II of its resolution 57/292 of 20 December 2002, its resolution 59/295 of 22 June 2005, section II of its resolution 60/248 of 23 December 2005, its resolutions 60/256 of 8 May 2006 and 60/282 of 30 June 2006, section II.B of its resolution 61/236 and its resolutions 61/246 and 61/251 of 22 December 2006, its resolution 62/___* of __ December 2007 and its decision 58/566 of 8 April 2004,

Having considered the fifth annual progress report of the Secretary-General on the implementation of the capital master plan,[1] the related report of the Advisory Committee on Administrative and Budgetary Questions,[2] the report of the Office of Internal Oversight Services on its activities for the period from 1 July 2006 to 30 June 2007[3] and the report of the Board of Auditors on the capital master plan for the year ended 31 December 2006,[4]

Reaffirming that the costs of the capital master plan are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

1. *Reiterates its serious concern* at the hazards, risks and deficiencies of the United Nations Headquarters Building in its current condition, which endanger the safety, health and well-being of staff, delegations, visitors and tourists;

2. *Stresses* the special role of the host country Government with regard to support for United Nations Headquarters in New York;

3. *Notes* the benefits, including economic ones, accruing to host countries from the presence of the United Nations, and the costs incurred;

4. *Recalls* the current practices of host Governments with regard to support for United Nations Headquarters and United Nations bodies located in their territories;

5. *Reaffirms* its commitment to the safety, security, health and well-being of staff, delegations, visitors and tourists at the United Nations, and requests the Secretary-General to ensure that concrete safeguards are in place to achieve these objectives and are part of the standard operating procedures throughout the implementation of the capital master plan;

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* See A/C.5/62/L.4.

[1] A/62/364 and Corr.1.

[2] A/62/7/Add.4 and Corr.1.

[3] A/62/281 (Part I), paras. 72-75.

[4] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 5, vol. V* (A/62/5, vol. V)).

6. *Takes note* of the fifth annual progress report of the Secretary-General on the implementation of the capital master plan,[1] the report of the Office of Internal Oversight Services on its activities for the period from 1 July 2006 to 30 June 2007[3] and the report of the Board of Auditors on the capital master plan for the year ended 31 December 2006;[4]

7. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

8. *Regrets deeply* the procedural difficulties in United Nations departments, delays in decision-making by Secretariat leadership and insufficient responsiveness to the needs of the project by United Nations management, resulting in projected cost escalation, as reported in paragraph 23 of the report of the Secretary-General;[1]

9. *Stresses* the centrality of the leadership and oversight of the Secretary-General and senior management, as well as a commitment to the project from all departments during the completion of the capital master plan to avoid a recurrence of the mistakes and delays in the implementation of the project to date and their negative implications for the Organization;

10. *Requests* the Secretary-General to ensure full accountability for the delays, lack of responsiveness of management to the needs of the capital master plan and other factors that have contributed to delays in the implementation of the capital master plan and the projected budget overrun, and to include this information in the sixth annual progress report;

11. *Accepts* the report of the Board of Auditors on the capital master plan for the year ended 31 December 2006;[4]

12. *Endorses* the recommendations of the Board of Auditors contained in its report;

13. *Notes with concern* the findings of the Board of Auditors as contained in its report, and emphasizes the importance of the full implementation of its recommendations;

14. *Reaffirms* the importance of oversight with respect to the implementation of the capital master plan, and requests the Board of Auditors and all other relevant oversight bodies to continue to report to the General Assembly annually on the capital master plan;

15. *Requests* the Secretary-General to entrust the Office of Internal Oversight Services with a comprehensive review focusing, inter alia, on the structure of the Office of the Capital Master Plan, compliance with United Nations regulations and rules on procurement and contracting, adherence to the terms of contracts, internal controls and processes in place to properly manage the project and other high-risk areas, and to report thereon at its sixty-third session;

16. *Requests* the Office of Internal Oversight Services to ensure effective audit coverage of the capital master plan and to submit to the General Assembly all of its reports related to the implementation of the capital master plan;

17. *Requests* the Secretary-General to develop and implement a comprehensive internal control framework for the capital master plan to mitigate and effectively address all possible risks, to ensure full compliance and

responsiveness on the part of management to the specific requirements of the project, to avoid any delays in the implementation of any aspect of the project and to ensure full compliance with United Nations rules and procedures and General Assembly resolutions governing procurement;

18. *Reaffirms* paragraphs 36, 37 and 38 of its resolution 61/251 on the importance of transparency in the procurement process, and requests the Secretary-General to ensure that the construction manager takes them fully into account when subcontracting and to report, in the context of the sixth annual progress report, on the specific steps taken and progress achieved in the context of increasing procurement opportunities for vendors from developing countries and countries with economies in transition in the implementation of the capital master plan;

19. *Reaffirms once again* paragraph 38 of its resolution 61/251, and requests the Secretary-General to ensure that procurement activities conducted by the construction manager in the implementation of the capital master plan are in compliance with United Nations rules, regulations and procedures and General Assembly resolutions governing United Nations procurement activities as well as ethics policies, including post-employment restrictions,[5] and that the relevant provisions are taken fully into account by the construction manager when subcontracting;

20. *Requests* the Secretary-General to ensure that all expression of interest notices issued by the construction manager and all related contract awards are posted on the capital master plan website;

21. *Recalls* that, in accordance with article 5 of the United Nations general conditions of contract, the terms of any subcontract shall be subject to and conform to the provisions of the general conditions of contract;

22. *Requests* the Secretary-General to exercise his authority to undertake, in respect of the subcontractors directly involved in the provision of goods and services to the Organization on behalf of the capital master plan construction manager, a thorough review of their qualifications and the identities of the principals involved, and further requests the Secretary-General to provide prior written approval and clearance for the use of such subcontractors, as required in article 5 of the general conditions of contract, so as to ensure the integrity, fairness and transparency of the procurement process;

23. *Also requests* the Secretary-General to post and regularly update the list of subcontractors approved by the United Nations on the capital master plan website and to include information on the implementation of article 5 of the general conditions of contract, including the procedure for review and approval of subcontractors by the United Nations, in future progress reports on the implementation of the capital master plan;

24. *Reaffirms* section XV of its resolution 61/244 of 22 December 2006;

25. *Regrets* the delay in the appointment of the advisory board as requested in its resolutions 57/292 and 61/251, and urges the Secretary-General to expedite the setting up of the advisory board, reflecting wide geographical representation, so that it can begin its work as a matter of priority;

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[5] See ST/SGB/2006/15.

26. *Requests* the Secretary-General to ensure that the advisory board provides, inter alia, the necessary level of technical supervision;

27. *Also requests* the Secretary-General to explore the experience of various international organizations that have established ad hoc expert committees to provide advice on technical aspects of their construction and/or building maintenance projects and to report to the General Assembly thereon in the context of the forthcoming sixth annual progress report;

28. *Affirms* that the General Assembly has the sole prerogative of deciding on any changes to the capital master plan project, budget and implementation strategy as approved in its resolutions;

29. *Takes note* of the proposal of the Secretary-General on the accelerated strategy IV;

30. *Authorizes* the Secretary-General to enter into an additional swing space arrangement needed for a single-phase renovation of the Secretariat Building as a matter of urgency;

31. *Approves* the changes in the schedule of the renovation of the Secretariat Building proposed by the Secretary-General in paragraph 27 of his report,[1] subject to the availability of the additional swing space arrangement referred to in paragraph 30 above, and, if such arrangement is not entered into within 120 days of the adoption of the present resolution, requests the Secretary-General to proceed without further delay with the phased approach to the renovation of the Secretariat Building as approved by the General Assembly in its resolution 61/251;

32. *Also approves* the changes in the schedule of the renovation of the Conference Building and the General Assembly Building as proposed by the Secretary-General in paragraph 28 of his report;[1]

33. *Requests* the Secretary-General to submit to the General Assembly comprehensive information on the availability and cost of and the movement of staff to the hired swing space and to ensure that such space will be available to the United Nations as long as it is required and will entail no additional cost or further staff dislocation, bearing in mind the unique nature of the capital master plan;

34. *Reaffirms* paragraph 39 of its resolution 61/251, emphasizes to the Secretary-General the importance of effectively managing the multiple staff relocations and ensuring that the swing space meets the highest standards for the safety, security, health and well-being of the staff of the United Nations and that any disruption in the work of the United Nations as a result of such temporary relocation is minimized at every stage;

35. *Recalls* paragraphs 51 to 56 of the report of the Board of Auditors,[4] and requests the Secretary-General to expeditiously complete the geotechnical and other surveys and to provide updated information on the outstanding technical elements of the project that may have a considerable impact on the overall project, including design work for upgraded blast protection and geotechnical and other surveys, and to include this information in the future progress reports;

36. *Requests* the Secretary-General to ensure that the changes approved in paragraphs 30 and 32 of the present resolution are implemented without prejudice to the objectives and quality of the project and to submit to the General Assembly a

comprehensive report on the efficiency gains and cost absorption possible through the implementation of these changes;

37. *Recalls* paragraph 10 of its resolution 61/251, and decides that any scope options in addition to those already approved by the General Assembly shall be submitted by the Secretary-General to the General Assembly for its consideration and approval;

38. *Requests* the Secretary-General to ensure by all means that the project costs are brought back within the approved budget;

39. *Reiterates* its request to the Secretary-General to make every effort to avoid budget increases through sound project management practices and to ensure that the capital master plan is completed within the budget as approved in its resolution 61/251;

40. *Notes* that forward pricing escalation is already included in the approved budget contained in the fourth annual progress report of the Secretary-General,[6] and requests the Secretary-General to avoid budget increases through sound project management practices and to keep the capital master plan within the approved budget, schedule of assessments and time schedule;

41. *Takes note* of the proposal of the Secretary-General to utilize value engineering as a tool to recover the projected cost overruns in the capital master plan budget approved by the General Assembly in its resolution 61/251, directed at improving performance, reliability, quality, safety and life-cycle costs, and requests the Secretary-General to expeditiously and clearly identify the areas of work where efficiency gains and cost reductions are possible and to report thereon in the context of the sixth annual progress report;

42. *Requests* the Secretary-General to include in the sixth annual progress report specific information on the guaranteed maximum price contracts and the activities of the external consultant that the United Nations has hired;

43. *Expresses its concern* that no specific information has been shared with Member States concerning associated costs, and requests the Secretary-General to include such information in the sixth annual progress report and to make every effort to absorb such costs within the approved budget of the capital master plan;

44. *Reaffirms its request* to the Secretary-General to ensure that works of art, masterpieces and other gifts are appropriately handled during all the stages of the renovation work and that all associated costs are foreseen;

45. *Requests* the Secretary-General to ensure that measures and procedures are put in place by the Office of the Capital Master Plan to appropriately handle the works of art, masterpieces and other gifts during all the stages of the renovation unless otherwise indicated by the Member States concerned and to report thereon in the context of the forthcoming sixth annual progress report;

46. *Decides* to appropriate $992,771,819 for the biennium 2008-2009;

47. *Reaffirms* the mixed one-time and multi-year assessment option based on the regular budget scale of assessments applicable for 2007, as stipulated in paragraphs 14 to 20 of its resolution 61/251, and decides that there will be no

[6] A/61/549.

change in the payment schedule for Member States' contributions to the capital master plan;

48. *Requests* the Secretary-General to improve coordination of the capital master plan with the Department of Public Information in the context of reporting on matters and progress relating to the capital master plan and to clarify the existing arrangements that are in place to avoid damage to the image of the United Nations with regard to all aspects of the capital master plan;

49. *Also requests* the Secretary-General to update the Member States through regular informal briefings, besides submitting annual progress reports, on all aspects of the implementation of the capital master plan, including the current status, significant activities carried out since the previous report and risk analysis information outlining any risks identified, action to be taken, status and trends, and to update the relevant information on its website on a regular basis;

50. *Further requests* the Secretary-General to include in the sixth annual progress report information on lessons learned in the implementation of the capital master plan so far and how they are being utilized to improve the current and future planning and implementation of the capital master plan.